

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRIAN LEHR,

Defendant.

CASE NO. CR18-0189-JCC

ORDER

This matter comes before the Court on the United States' motion for entry of an order of forfeiture (Dkt. No. 24) seeking to forfeit, to the United States, Defendant Brian Lehr's interest in the following:

A sum of money in the amount of \$33,641.59, representing the proceeds Defendant obtained from his commission of Wire Fraud, in violation of 18 U.S.C. § 1343. The United States has agreed it will request the Attorney General apply any amounts it collects toward satisfaction of this forfeited sum to the restitution that is ordered in this case. The United States has also agreed that any amount Defendant pays toward restitution will be credited against this forfeited sum.

The Court, having reviewed the United States' motion, as well as the other papers and pleadings filed in this matter, FINDS that:

- The proceeds of Wire Fraud, 18 U.S.C. § 1343, are forfeitable pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c);

- In his plea agreement, Defendant agreed to forfeit the above-identified sum of money pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), as it reflects the proceeds he obtained as a result of his commission of Wire Fraud (Dkt. No. 17, ¶ 7); and,
- Federal Rule of Criminal Procedure 32.2(c)(1) provides “no ancillary proceeding is required to the extent that the forfeiture consists of a money judgment.”

NOW, THEREFORE, THE COURT ORDERS:

- 1) Pursuant to 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c), and his plea agreement, Defendant’s interest in the above-identified sum of money is fully and finally forfeited, in its entirety, to the United States;
- 2) No right, title or interest in the identified sum of money exists in any party other than the United States;
- 3) Pursuant to Federal Rule of Criminal Procedure 32.2(b)(4)(A)–(B), this order will become final as to Defendant at the time he is sentenced, it will be made part of the sentence, and it will be included in the judgment;
- 4) Pursuant to Federal Rule of Criminal Procedure 32.2(e), in order to satisfy this forfeited sum of money, in whole or in part, the United States may move to amend this order, at any time, to substitute property having a value not to exceed the amount of this sum of money; and,
- 5) The Court will retain jurisdiction in this case for the purpose of enforcing this order, as necessary.

DATED this 14th day of March 2019.



John C. Coughenour
UNITED STATES DISTRICT JUDGE